

UNITED STATES DISTRICT  
COURT MIDDLE DISTRICT OF TENNESSEE

Christopher Brian Darnell  
Plaintiff

v.

Google, Inc., et al  
Bandwidth, Inc., et al  
Neustar, Inc., et al  
PenLink, Inc., et al  
Sprint, Inc., et al  
Marc Fishburn, et al  
John Zimmerman, et al  
Robert Hammel  
Victor Johnson, et al  
Thomas Thurman  
William Loucks, et al  
Officer Grindstaff  
Officer Holton  
Officer Galluzzi  
Officer Syzmanski  
Officer Donaldson  
Officer Mackall, et al  
Defendants

Civil Action No.

RECEIVED  
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DEC 23 2013

U.S. DISTRICT COURT  
MID. DIST. TENN.

COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS  
UNDER 42 USC § 1983 AND OTHER CLAIMS

This is a Civil rights action filed by Christopher Brian Darnell for damages and relief under 42 USC 1983 for Constitutional violations, mainly 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendment issues, stemming from a Criminal investigation. There are also claims of violation of "Title III" 18 USC 2510-2520 and the Tennessee Wiretapping and Electronic Surveillance Act of 1994 TCA 39-13-601 et al and TCA 40-6-301 et al. Moreover the plaintiff further claims the torts of invasion of privacy by public disclosure of private facts, slander, and outrageous conduct.

\* Plaintiff moved to HCCF, P.O. Box 549, Whiteville, TN 38075

## I. Jurisdiction

- 1) The court has jurisdiction over the plaintiff's claim of federal constitutional rights under 42 USC 1331(1) and 1343
- 2) The court has jurisdiction over the civil penalties for violation of Title III under 18 USC 2520
- 3) The court has jurisdiction over the state law tort and civil damages claims as supplemental jurisdiction per 28 USC 1337

## II. Parties

\* 4) The plaintiff, Christopher Brian Darnell, ID# 273568, is incarcerated in Tennessee Department of Corrections at Bledsoe County Correctional Complex, 1045 Horsehead Road, Pikeville, TN 37367

5) The defendants are:

defendant Google, Inc., does business from 1600 Amphitheatre Parkway, Mountain View, CA 94043

defendant Bandwidth's business address is unknown to plaintiff but should be available to defendant Loucks and is discoverable

defendant Neustar's business address is unknown to plaintiff but should be available to defendant Loucks and is discoverable

defendant Pen Link's business address is unknown to plaintiff but should be available to defendant Loucks and is discoverable

defendant Sprint's business address is unknown to plaintiff but should be available to defendant Loucks and is discoverable

defendant Marc Fishburn, Judge Division VII, does business from 448 2<sup>ND</sup> Ave North, Nashville, TN 37201 and is sued in his individual capacity.

defendant John Zimmerman, Director of 20<sup>th</sup> Drug Task Force does business from 222 2<sup>ND</sup> Avenue North, Nashville, TN 37201 and is sued in his individual capacity.

defendant Robert Homler, Assistant District Attorney does business from 222 2<sup>ND</sup> Avenue North, Nashville, TN 37201 and is sued in his individual capacity.

Defendant Victor Johnson, District Attorney, does business from 222 2<sup>nd</sup> Avenue North, Nashville, TN 37201 and is sued in his individual capacity.

Defendant Thomas Thurman, Assistant District Attorney, does business from 222 2<sup>nd</sup> Avenue North, Nashville, TN 37201 and is sued in his individual capacity.

Defendant William Loucks, Detective Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Grindstaff, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Holton, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Galuzzi, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Syzmaniski, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Donaldson, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

Defendant Officer Mackall, Metro Nashville Police Department does business from James Robertson Parkway, Nashville, TN and is sued in his individual capacity.

### III. Facts

1) On August 1, 2011 Detective William Loucks used lies, reckless false statements and reckless omissions about probable cause in a wire tap affidavit signed by Judge Marc Fishburn. Fraudulently sworn affidavits for warrants are actionable by §1983. I was the target.

2) These same lies are incorporated in 8 other affidavits and 6 other extensions. I am again the target of these. They were issued from August 19, 2011 until

December 12, 2011.

- 3) These were all authorized by District Attorney Victor Johnson and approved by the Director of the 20<sup>th</sup> Drug Task Force John Zimmerman except for the application for (615) 669-8732 on August 19, which was illegally authorized by Assistant District Attorney Thomas Thurman. This violates Tennessee Wiretap Law.
- 4) That Google wiretap was began on August 25 and expired September 24. The wiretap continued without an extension until September 30. This is illegal under State and federal law.
- 5) On this same line, an extension was filed October 26 expired November 25. Again the wiretap continued without an extension until December 1. This violates federal and state law.
- 6) During both these warrantless wiretap periods Google, Bandwidth Newstar and PenLink continued helping John Zimmerman, Victor Williams, William Loucks, Thomas Thurman and Mark Fishburn illegally wiretap and invade my privacy.
- 7) The entire time Google was illegally intercepting text messages and voicemails and forwarding them to William Loucks. Nothing in wiretap law allows communication carriers to intercept customers communication. Furthermore there is no evidence of a warrant per stored communication and if so the required notice was not provided.
- 8) Another phone (615) 596-3537 was intercepted completely in another state, Georgia. The order illegally called for Atlanta DEA to intercept calls and translate. This violates Tennessee Wiretap Law.
- 9) An extension for a Sprint phone was entered November 4. It expired December 3. This continued taping illegally until a December 9 extension was entered.
- 10) This time Sprint and PenLink helped John Zimmerman, Victor Williams, Marc Fishburn, and William Loucks conduct their illegal wiretaps.
- 11) On December 9 members of the Davidson County Drug Task Force searched my residence at 7:30 AM and seized my property after announcing they had a search warrant.

- 12) The officers listed on the property list are Officer Grindstaff, Holton, Galluzzi, Syzmanski, Donaldson, and Mackall.
- 13) Detective Loucks and Director John Zimmerman orchestrated the raid.
- 14) The whole episode was recorded by my ex-roommate who recorded the whole thing on a mini-recorder also seized then.
- 15) At 1:58 P.M. Marc Fishburn signed a search warrant after the property was already seized and on a truck and this violates ~~4<sup>th</sup>~~ ~~4<sup>th</sup>~~ Amendments.
- 16) On December 21, Assistant District Attorney David Hammel and William Loucks introduced evidence derived from wiretaps into preliminary hearing. Immediately before the hearing (not 10 days required by law) my appointed lawyer was given an incomplete set of unsigned affidavits and orders for 6 of the wiretaps and none of the extensions. This violates all concepts of 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> amendments as well as state and federal wiretap law.
- 17) At this time ADA Hammel and William Loucks were telling everyone they could that I was gay and dying of AIDS because I had a tattoo. This was relayed to a co-defendant's lawyer and also people Loucks was questioning about testifying against me.
- 18) I told my attorney I'd take an AIDS test and begged them to stop these lies. Hammel and my former attorney swapped emails about this. To date these rumors continue due to Hammel and Loucks. I just got an AIDS/HIV test in prison and this is slander as well as outrageous conduct.
- 19) Some time in between December 21, 2011 and June 5, 2013 William Loucks and Marc Fishburn agreed to deny inventory notice for these wiretaps to anyone named on the wiretaps or anyone charged because of them. This violates all concepts of 2<sup>nd</sup>, 5<sup>th</sup>, 14<sup>th</sup> Amendments and state and federal wiretap law.
- 20) Finally Zimmerman, Hammel, and Loucks used my property seized in this case to bribe testimony from a co-defendant.

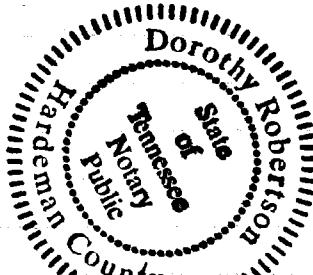
Namely a 2003 Brown, an engagement ring, a TV, a computer, a tablet PC without any forfeiture notice for any of my property. At the time of my arrest Loucks promised to send forfeiture papers for anything seized and I had the same address the whole time at Davidson County Sheriff's Office.

21) And among these seized items from the warrantless search were photos of me nude taken while I was quite obviously asleep. The District Attorney's office published these in discovery, though they are completely irrelevant to a drug investigation and highly prejudicial. For fear of them being used in a jury trial I had to plea out. They have already been seen by everyone I know because of the DA's office but I wish to retain what privacy I have. This is outrageous conduct, public display of private matters and I would think violation of federal and state privacy and pornography laws.

#### IV. Relief Sought

22) Jury trial on all matters triable by jury.  
23) Damages (actual and/or statutory), plus punitive per 18 USC 2520 and TCA 39-13-603 per jury.  
24) Any other damages provided under § 1983 per jury.  
25) Any other damages provided by Stored Communications Act by statute and/or jury  
26) Any other damages for torts of slander, publicity of private matters, outrageous conduct per jury.  
27) Any other damages for violations of state and federal privacy and pornography laws.  
28) Any other relief available by law.

Signed this 13<sup>th</sup> of December 2013



Subscribed and sworn to before me on my  
2013 day of December  
Notary Public in and for  
County of Tennessee  
Dorothy Robertson  
(Signature)  
Notary Public  
My commission expires August 02, 2014

Brian Davis  
Signature of Plaintiff

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COURT MIDDLE DISTRICT OF TENNESSEE

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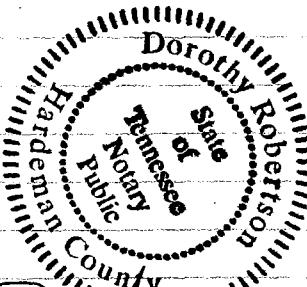
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- 27) Any other damages for violations of state and federal privacy and pornography laws.
- 28) Any other relief available by law.

Signed this 13<sup>th</sup> of December 2013



Subscribed and sworn to before me this  
2013 day of December  
Notary Public in and for the  
County of Hardeman, State of Tennessee  
Dorothy Roberts  
(Signature)  
(S. A. No.) Notary Public  
My act on this day exp'd  
August 02, 2014

Brian Daniels  
Signature of Plaintiff